

SITE PLAN  
AND  
PLAT TO ACCOMPANY ZONING PETITION  
FOR RECLASSIFICATION FROM RC-5 TO BM-CR  
(TO RETURN ZONING LINE TO LOCATION AS SHOWN  
ON 1972 COMPREHENSIVE ZONING MAP)  
LOCATED IN  
HEREFORD - 7TH DISTRICT - BALTIMORE CO., MD  
OWNER: DONALD FOSTER & WF  
AREA = 0.13 ACRE ±

PARKING DATA FOR PROPOSED ADDITION 30x50  
1ST FLOOR - RETAIL SALES, BASEMENT STORAGE  
30x50 = 1500 ÷ 200 = 8 SPACES REQUIRED  
8 SPACES PROVIDED

EXISTING PARKING DATA  
TOTAL FLOOR AREA = 6194  
TOTAL SPACES REQUIRED 6194 ÷ 200 = 31  
TOTAL SPACES PROVIDED = 32 SPACES EXISTING  
4 B PROPOSED = 40 SPACES PROVIDED

PLANS APPROVED  
OFFICE OF PLANNING & ZONING  
BY: *John F. Etzel*  
DATE: 9/18/80  
BY: *Don M. N. Jones*  
Deputy Zoning Commissioner  
DATE: 9/18/80  
80-185-R  
C-931-80

NOTE: OUTLINES COMPILED FROM DEEDS AND SURVEYS  
PARKING AREA PAVING - TAR & CHIP SHOWN THUS [Symbol]

John F. Etzel R.L.S. No. 2882



MONKTON RD WIDENING AUG 8 1980  
40 stations  
SITE PLAN - JUNE 4 1980  
NOTE FOR NEW ZONING LINE  
JUNE 3, 1980

SCALE 1" = 20' JAN 9, 1980  
GERHOLD, CROSS & ETZEL  
Registered Land Surveyors  
412 Delaware Avenue  
Towson, Maryland 21204

# PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald B. & Mary E. Foster, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from undistricted to a C.R. district; for the following reasons:

The existing use of the property is a retail hardware store. It is located within a contiguous commercial area with zones of BM-CR, BL and ML. The store is located at the intersection of York and Monkton Roads, both of which are paved, and it is beyond the Urban-Rural Demarcation Line. These facts indicate that the criteria for a C. R. District as stated in Section 259.2A of the Zoning Regulations, are met.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for hardware store.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-districting and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Donald B. Foster, by Herbert R. O'Connor, III  
Address: Herbert R. O'Connor, III  
210 Allegheny Ave.  
Towson, Md. 21204  
Petitioner's Attorney

Legal Owner: Donald B. Foster, by Herbert R. O'Connor, III  
Address: Herbert R. O'Connor, III  
210 Allegheny Ave.  
Towson, Md. 21204  
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of February, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1980, at 10:00 o'clock A.M.

John W. Hession, III  
Zoning Commissioner of Baltimore County.

## PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R.C. 5 zone to an B.M. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for hardware store.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
JUN 15 11 41 AM '80  
COUNTY BOARD OF APPEALS  
BY John W. Hession, III

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Donald B. Foster, by Herbert R. O'Connor, III  
(Type or Print Name)  
Signature: Herbert R. O'Connor, III  
Street or Box: Monkton Road  
City and State: Monkton, Maryland 21111

Legal Owner(s): Donald B. Foster, by Herbert R. O'Connor, III  
(Type or Print Name) Authorized Representative  
Signature: Herbert R. O'Connor, III  
City and State: Monkton, Maryland 21111

Attorney for Petitioner: Herbert R. O'Connor, III  
(Type or Print Name)  
Signature: Herbert R. O'Connor, III  
Street or Box: 210 Allegheny Avenue  
City and State: Towson, Maryland 21204

Name and telephone number of legal owner, contract purchaser or representative to be contacted: Herbert R. O'Connor, III  
Name: Herbert R. O'Connor, III  
Telephone No.: 823-4111

BABC Form 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
from R.C. 5 to B.M.-C.R. Zone :  
S/S Monkton Rd. 225' E. York Rd., 7th District :  
DONALD B. FOSTER, et ux, :  
Petitioners : Case No. 80-185-R (Item 144)

### ORDER TO ENTER APPEARANCE

Mr. Chairman:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
John W. Hession, III  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of March, 1980, a copy of the foregoing Order was mailed to Herbert R. O'Connor, III, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III  
John W. Hession, III

CASE NO. 80-185-R

DONALD B. FOSTER, ET UX

for reclassification from R.C. 5 to B.M.-C.R.  
" SE - Hardware Store ????

S/S Monkton Rd. 225' E. of York Rd.

7th District

Out of cycle case - Okayed by Planning Board and County Council

ASSIGNED FOR: TUESDAY, MARCH 11, 1980 at 10 a.m.

3/11/80 - For W.T.H. - Mr. O'Connor to send letter re Special Exception

RE: PETITION FOR RECLASSIFICATION : BEFORE  
from R.C. 5 to B.M., and : COUNTY BOARD OF APPEALS  
REDISTRICTING from Undistricted : OF  
to C.R. District :  
S/S Monkton Road 225' :  
E. of York Road : BALTIMORE COUNTY  
7th District :  
Donald B. Foster, et ux : No. 80-185-R  
Petitioners : (Out of Cycle)

### OPINION

This case comes before this Board as the result of a request for reclassification of a small portion of land from an R.C. 5 zone to a B.M. zone - C.R. District; said property being located on the south side of Monkton Road 225 feet east of York Road, in the Seventh Election District of Baltimore County. Petitioners requested an "Out of Cycle" hearing in this case, which was approved by the Baltimore County Planning Board and affirmed by the Baltimore County Council.

Mention was made during the hearing regarding a special exception granted this property prior to this hearing. The only testimony received indicates this to be a legal special exception that has not lapsed or expired and, therefore, the Board will consider the special exception to be valid and proper and will not address it in its Order.

Testimony from all parties indicates that the R.C. 5 zoning is in fact the result of a drafting error on the 1976 comprehensive zoning maps. It is obvious to this Board that the 1976 zoning line was continued in a straight line and this removed 25 feet of the property from its original B.M.-C.R. zone into the new R.C. 5 zoning area. This use has been in existence on this site since 1929 and is a respected business in this area. The County Council in its review of all properties in the County could not be expected to be aware of each small property line deviation from the zoning line, and the obvious error in this case seems to be a logical one.

After carefully reviewing all the testimony and exhibits presented in this case, the Board is of the opinion that the R.C. 5 zoning is, in fact, in error and will order its rezoning to the original B.M.-C.R. classification.

Donald B. Foster - #80-185-R

2.

### ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1980, by the County Board of Appeals, ORDERED that the reclassification from an R.C. 5 zone to a B.M. zone, C.R. District petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Acting Chairman

LeRoy B. Spurrier  
LeRoy B. Spurrier

Patricia Millhouser  
Patricia Millhouser

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

Herbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

cc: Gerhold Cross & Elzel  
412 Delaware Ave.  
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 4th day of February, 1980.

William E. Hammond  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner: Donald B. Foster, et ux

Petitioner's Attorney: Herbert R. O'Connor, III, Esq.

Reviewed by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 29, 1980

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204o/o  
Nicholas B. Commodari  
ChairmanMEMBERS  
Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
DevelopmentHerbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204RE: Item No. 144  
Petitioners-Donald B. Foster, et ux  
Reclassification and  
Redistricting Petitions

Dear Mr. O'Connor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject of this petition is part of an overall tract of land located on the southeast corner of York and Monkton Roads in the 7th Election District. The property is improved with existing commercial uses, while a residence and the Hereford Fire House exists to the north across Monkton Road, and an individual dwelling exists to the south.


This property was the subject of a previous zoning hearing (Case No. 75-158-SPH) in which a Special Hearing to permit off-street parking in the rear portion of this property was granted. At the time of field inspection, said area was not being utilized for parking.

Because of your clients' proposal to rezone a portion of this property to the rear from R.C. 5 to B.M.-C.R., this hearing is required. Particular attention should be afforded to the comments of the State Highway Administration.

Item No. 144  
Reclassification and  
Redistricting Petitions  
February 29, 1980

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Gerhold Cross & Etzel  
412 Delaware Ave.  
Towson, Md. 21204

February 19, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Re: Item #144 (1979-1980)  
Property Owner: Donald B. & Anne Foster  
S/S Monkton Rd. 225' E. York Rd.  
Existing Zoning: RC 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13 District: 7th

Dear Mr. Hammond:

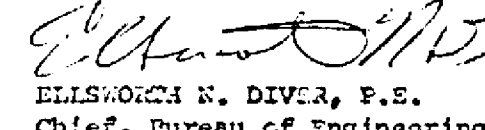
The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this property in connection with the Zoning Advisory Committee review for Item 113 (1974-1975), 75-158 JPH, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 144 (1979-1980).

Very truly yours,

  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:FWR:es

HH-SE Key Sheet  
107 NW 9 Pos. Sheet  
NW 27 C Topo  
22 Tax Map

Attachment

Baltimore County, Maryland  
Department of Public Works  
COUNTY OFFICE BUILDING  
TOWSON, MD. LAND 21204Bureau of Engineering  
ELLSWORTH N. DIVER, P.E., CHIEF

January 10, 1975

Mr. J. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Re: Item #113 (1974-1975)  
Property Owner: Donald B. & Anne E. Foster  
S/S of Monkton Rd., 250' E. of York Rd.  
Existing Zoning: R.D.P.  
Proposed Zoning: Special Hearing to approve and issue a permit for parking  
No. of Acres: 74,335 Sq. Ft. District: 7th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road (Md. 45) and Monkton Road (Md. 138) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

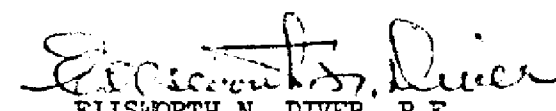
Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.


Item #113 (1974-1975)  
Property Owner: Donald B. & Anne E. Foster  
Page 2  
January 10, 1975Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property which apparently utilizes private onsite facilities. This property is beyond the limits of the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended July 1973, indicates No Planned Service in the area.

Very truly yours,

  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:FWR:es

cc: John Meyers - St. Hwy. Ada.  
John TrennerHH-SE Key Sheet  
107 NW 9 Pos. Sheet  
NW 27 C Topo  
22 Tax MapBALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211JOHN D. SEYFFERT  
DIRECTOR

March 3, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:


Comments on Item #144, Zoning Advisory Committee Meeting, January 29, 1980, are as follows:

Property Owner: Donald B. and Anne Foster  
Location: S/S Monkton Road 225' E. York Rd.  
Existing Zoning: RC-5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

  
John L. Wimbley  
Planner III  
Current Planning and DevelopmentMaryland Department of Transportation  
State Highway AdministrationJames J. O'Donnell  
Secretary  
M. S. Caltrider  
Administrator

February 4, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204Re: Z.A.C. Meeting, Jan. 29, 1980  
ITEM: 144.  
Property Owner: Donald B. & Anne Foster  
Location: S/S Monkton Rd.  
(Route 138) 225' E. York Road  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

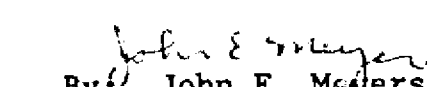
Attention: Mr. N. Commodari

Dear Mr. Hammond:

The proposed right of way for Monkton Road is 80', 40' from the centerline of existing highway and not 25' as indicated on the plan.

Any access from Monkton Road will require highway improvements done under permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits  
By: John E. Meyers

CL:JEM:vrd

My telephone number is (301)383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County  
Department of Public Engineering  
TOWSON, MARYLAND 21204  
(301) 494 3550STEPHEN E. COLLINS  
DIRECTOR

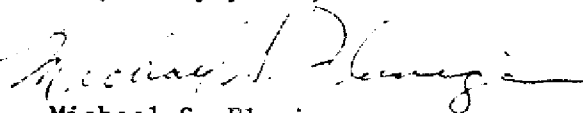
March 3, 1980

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Item No. 144  
Property Owner: Donald B. & Anne Foster  
Location: S/S Monkton Rd. 225' E York Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.Acres: 0.13  
District: 7th

Dear Mr. Hammond:

The requested zoning changes from R.C. 5 to B.M.-C.R. is to small to have a major effect on traffic.

Very truly yours,

  
Michael S. Flanigan  
Engineer Associate II

MSF/hmd

February 29, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #144, Zoning Advisory Committee Meeting of  
January 29, 1980, are as follows:

Property Owner: Donald B. & Anne Foster  
Location: S/S Monkon Rd. 225' E York Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

The existing retail hardware store is presently served by a  
water well and sewage disposal system, both of which appear to be  
functioning properly.

If a future addition to the building is proposed, the existing  
septic tank and one of the two existing seepage pits must be abandoned  
and backfilled. A new 1500 gallon septic tank and seepage pit would be  
installed in a new location that must be a minimum distance of 20 ft.  
from the proposed addition.

Very truly yours,

*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth

TED ZALESKI, JR.  
DIRECTOR

February 29, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #144, Zoning Advisory Committee Meeting, January 29, 1980  
are as follows:

Property Owner: Donald B. & Anne Foster  
Location: S/S Monkon Road 225' E York Road  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M. - C.R.

Acres: 0.13  
District: 7th

The items checked below are applicable:

- PROPOSED
- X A. All structures shall conform to the Baltimore County Building Code 1978, the  
State of Maryland Code for the Handicapped and Aged; and other applicable Codes.  
and other miscellaneous
- X B. A building permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit  
application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered  
Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent  
lot line shall be of one hour fire resistive construction, no openings permitted  
within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction  
is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code,  
Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit  
application, and three required set s of drawings indicating how the structure  
will meet the Code requirements for the proposed change. Drawings may require  
a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru  
the services of a Registered in Maryland Architect or Engineer certify to this  
office, that, the structure for which a proposed change in use is proposed can  
comply with the height/area requirements of Table 305 and the required construction  
classification of Table 211.
- I. Comments -

NOTE: These comments reflect only on the information provided by the drawing  
submitted to the office of Planning and Zoning and are not intended to  
be construed as the full extent of any permit.  
If desired additional information may be obtained by visiting Room #122  
(Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burman*  
Charles E. Burman, Chief  
Plans Review

CEB:rrj

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 24, 1980

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: January 29, 1980

RE: Item No: 144, 148, 149, 150  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

## PETITION FOR RECLASSIFICATION AND REDISTRICTING

7th Dist. 1st

ZONING: Petition for Reclassification and Redistricting  
LOCATION: South side of Monkon Road, 225 feet East of York Road  
DATE & TIME: Tuesday, March 11, 1980 at 10:00 A.M.  
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore  
County Charter will hold a public hearing:

Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting from undistricted to C.R. District

All that parcel of land in the Seventh District of Baltimore County

Being the property of Donald B. Foster, et ux, as shown on plat plan filed in the  
Zoning Department

Hearing Date: Tuesday, March 11, 1980 at 10:00 A.M.  
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF  
WALTER A. REITER, JR.,  
CHAIRMAN, COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D.C. DOWNES  
JAMES W. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O.C. TRACY, JR.  
JOHN H. ZINN, III  
JOSEPH C. WICK, JR.  
HENRY M. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a  
zoning matter of great importance to its business. This  
company is a family operated hardware and general merchandise  
store located in Hereford at the southeast corner of York and  
Monkon Roads.

The company has operated at the present location since  
1929. An addition to the existing store is essential for the  
continued success of the company. The property is zoned EM-CR,  
but it was discovered during the planning of the addition that  
the 1976 Comprehensive Zoning Map shifted the zoning line  
approximately 25 feet in a westerly direction (towards York  
Road). My client did not participate in this change and was  
most surprised and dismayed when this information was learned.  
The change in the line may have resulted from a slight drafting  
error because the EM-CR zone to the north of Monkon Road was  
not changed. If the line is returned to its original location,  
my client should be able to build the addition. Opposition to  
such a change is unlikely because the adjacent parcel serves as  
a parking lot for the Hereford Volunteer Fire Department and  
because Foster Brothers Hardware has served the community for  
over fifty years.

This request carries an urgent need for quick action since  
my client has obtained a loan to finance the addition and the  
factors operating in the loan market cause us to fear that the  
loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no  
practical relief to my client because it will not be adopted  
until November of 1980. Therefore, I request that the Planning  
Board consider a resolution which notes the emergency aspect of  
this problem and which certifies to the County Council that  
early action on this zoning reclassification is warranted.  
Frank Shearer advises that these requests are usually  
considered first by the Committee on Land Development and  
Conservation and, therefore, a copy of this letter is directed  
to its Chairman, Louis M. Hess, I will attend the committee  
meeting on January 3 to answer any questions which its members  
may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rlf

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

January 15, 1980

Walter A. Reiter, Jr., Chairman  
County Board of Appeals of  
Baltimore County  
Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

Please be advised that for the purposes of the Petition  
for Zoning Re-classification we have authorized Herbert R.  
O'Connor, III, our attorney, to sign the Petition and any other  
papers necessary to the completion of this process.

Very truly yours,

*Donald B. Foster*  
Donald B. Foster

*Anne Foster by Donald B. Foster*  
Anne Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

823-4111  
AREA CODE 301

January 14, 1980

Mr. Nicholas B. Commodari  
Office of the Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Commodari:

Please find enclosed three copies of my January 2, 1980  
letter to William F. Kirwin, Jr., Chairman of the Baltimore  
County Planning Board. This letter and the copies are submitted  
to comply with Item 3 of the Guide for Preparation of Reclasi-  
fication Petitions.

The enclosed letter contains an explanation of the reasons  
why the reclassification should be granted. If additional infor-  
mation is needed, please contact me.

Kind regards,

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm  
Enclosures



LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a zoning matter of great importance to its business. This company is a family operated hardware and general merchandise store located in Hereford at the southeast corner of York and Monkton Roads.

The company has operated at the present location since 1929. An addition to the existing store is essential for the continued success of the company. The property is zoned BM-CR, but it was discovered during the planning of the addition that the 1976 Comprehensive Zoning Map shifted the zoning line approximately 25 feet in a westerly direction (towards York Road). My client did not participate in this change and was most surprised and dismayed when this information was learned. The change in the line may have resulted from a slight drafting error because the BM-CR zone to the north of Monkton Road was not changed. If the line is returned to its original location, my client should be able to build the addition. Opposition to such a change is unlikely because the adjacent parcel serves as a parking lot for the Hereford Volunteer Fire Department and because Foster Brothers Hardware has served the community for over fifty years.

This request carries an urgent need for quick action since my client has obtained a loan to finance the addition and the factors operating in the loan market cause us to fear that the loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no practical relief to my client because it will not be adopted until November of 1980. Therefore, I request that the Planning Board consider a resolution which notes the emergency aspect of this problem and which certifies to the County Council that early action on this zoning reclassification is warranted. Frank Shearer advises that these requests are usually considered first by the Committee on Land Development and Conservation and, therefore, a copy of this letter is directed to its Chairman, Louis M. Hess. I will attend the committee meeting on January 3 to answer any questions which its members may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rif

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a zoning matter of great importance to its business. This company is a family operated hardware and general merchandise store located in Hereford at the southeast corner of York and Monkton Roads.

The company has operated at the present location since 1929. An addition to the existing store is essential for the continued success of the company. The property is zoned BM-CR, but it was discovered during the planning of the addition that the 1976 Comprehensive Zoning Map shifted the zoning line approximately 25 feet in a westerly direction (towards York Road). My client did not participate in this change and was most surprised and dismayed when this information was learned. The change in the line may have resulted from a slight drafting error because the BM-CR zone to the north of Monkton Road was not changed. If the line is returned to its original location, my client should be able to build the addition. Opposition to such a change is unlikely because the adjacent parcel serves as a parking lot for the Hereford Volunteer Fire Department and because Foster Brothers Hardware has served the community for over fifty years.

This request carries an urgent need for quick action since my client has obtained a loan to finance the addition and the factors operating in the loan market cause us to fear that the loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no practical relief to my client because it will not be adopted until November of 1980. Therefore, I request that the Planning Board consider a resolution which notes the emergency aspect of this problem and which certifies to the County Council that early action on this zoning reclassification is warranted. Frank Shearer advises that these requests are usually considered first by the Committee on Land Development and Conservation and, therefore, a copy of this letter is directed to its Chairman, Louis M. Hess. I will attend the committee meeting on January 3 to answer any questions which its members may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rif

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

PO 308  
Day Planning!  
NCC

January 30, 1980

Mr. Nicholas B. Commodari  
Office of the Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Zoning Petition of Donald B. Foster  
Our File No. 10311

Dear Mr. Commodari:

The County Council indicated at its worksession of January 29, that it would approve the Planning Board's certification that this zoning petition was in the public interest and worthy of exemption from the cycle zoning process. Formal approval of this certification is anticipated at the February 4, 1980 Legislative Session of the County Council.

My clients are most desirous of having this matter heard by the County Board of Appeals at the earliest available date. If there are any other documents or matters of information which you need, please call me at your earliest convenience.

Kind regards,

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm

cc: Mr. Donald Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 15, 1980

Mrs. Edith T. Eisenhart,  
Administrative Secretary  
County Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Mr. and Mrs. Donald B. Foster  
Petition for Reclassification

Dear Mrs. Eisenhart:

Please accept for filing the following documents: a Petition for Zoning Reclassification and two copies; seven copies of the property description; a letter to Mr. Commodari and three copies of a letter to Mr. Kirwin which are submitted as an explanation of the reasons supporting the reclassification; two Xerox copies each of the 200' scale and 1000' scale maps; twelve copies of a site plan; and the filing fee.

Thanking you for your assistance, I am

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm  
Enclosures

RECEIVED  
BALTIMORE COUNTY  
JAN 15 11 47 AM '80  
COUNTY BOARD  
OF APPEALS  
BY

GERHOLD, C. OSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204

CARL L. GERHOLD  
PHILIP E. CROSS  
JOHN F. ETZEL  
WILLIAM G. WURICH  
GORDON T. LANGDON

EMERITUS  
PAUL D. DOLLEBERG  
FRED W. DOLLEBERG

823-4470

January 9, 1980

Zoning Description

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Monkton Road distant South 88 degrees 45 minutes East 225 feet measured along the center of said road from the intersection of the center of Monkton Road with the center of York Road and running thence and binding in the center of Monkton Road, South 88 degrees 45 minutes East 25 feet, thence leaving said road and running through the lands of the petitioner herein, South 2 degrees 00 minutes West 222.51 feet, thence running on the property line of the petitioner herein, North 88 degrees 45 minutes West 25 feet to the zoning line as shown on the 1976 Comprehensive Zoning Map and thence binding on said line, North 2 degrees 00 minutes East 222.51 feet to the place of beginning.

Containing 0.13 of an Acre of land more or less.

Being a part of the property of the petitioner herein and shown on a plat filed with the Baltimore County Board of Appeals.



*John A. Etzel*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Thomas Toporovich, Secretary  
TO: Baltimore County Council  
Walter A. Reiter, Jr., Chairman  
FROM: County Board of Appeals

Date: February 7, 1980

SUBJECT: Petition of Donald B. Foster

Concerning the above referenced reclassification petition, please note that the Board is holding a hearing date for this case on March 11, 1980 pending completion of procedural matters by the Office of Planning.

*Walter A. Reiter, Jr.*  
Walter A. Reiter, Jr., Chairman  
County Board of Appeals

WAR:s

cc: Mr. John D. Seyffert  
Mr. James Haswell



County Council of Baltimore County  
Court House, Towson, Maryland 21204  
(301) 494-3196

COUNCIL

Ronald B. Hickernell  
FIRST DISTRICT

Gary Huddles  
SECOND DISTRICT

James T. Smith, Jr.  
THIRD DISTRICT

Barbara F. Bachur  
FOURTH DISTRICT

Norman W. Lauenstein  
FIFTH DISTRICT, CHAIRMAN

Eugene W. Gallagher  
SIXTH DISTRICT

John W. O'Rourke  
SEVENTH DISTRICT

Thomas Toporovich  
SECRETARY

February 5, 1980

Mr. Walter A. Reiter, Jr., Chairman  
Baltimore County Board of Appeals  
Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

This is to advise you that the County Council, at their meeting on Monday, February 4, 1980, approved the Planning Board's motion certifying that early action is manifestly required in the public interest on the petition of Donald B. Foster.

Sincerely yours,

*Thomas Toporovich*  
Thomas Toporovich  
Secretary

TT:mtf

Attachment

cc: John D. Seyffert

RECEIVED  
BALTIMORE COUNTY  
FEB 6 8 24 AM '80  
COUNTY BOARD  
OF APPEALS  
BY:



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211

JOHN D. SEYFFERT  
DIRECTOR

January 18, 1980

The Honorable Norman W. Lauenstein, Chairman  
Baltimore County Council  
Court House  
Towson, Maryland 21204

Dear Mr. Lauenstein:

At its regular meeting on Thursday, January 17, 1980, the Baltimore County Planning Board, under the provisions of Subsection 22-22 (1) of the Baltimore County Code 1968, as amended, unanimously approved a motion to certify to the County Council that early action is manifestly required in the public interest on the petition of Donald B. Foster to change the zoning classification of his property at York and Monkton Roads from R.C. 5 to B.M.-C.R.

After reviewing the letter from the petitioner's attorney and a copy of the zoning map, the Board is of the opinion that the R. C. 5 zoning classification was inadvertently applied to the subject property as the result of a staff drafting error.

Copies of the petition and of the owner's letter are attached. Additional information will be provided upon your request. Notification of the Council's action should be made to the County Board of Appeals so that timely actions can be taken in accordance therewith.

Sincerely,

*John D. Seyffert*  
John D. Seyffert, Secretary  
Baltimore County Planning Board

JDS/JGH/acb

Attachments

cc: The Honorable Ronald B. Hickernell, First District  
The Honorable Gary Huddles, 2nd District  
The Honorable James T. Smith, Jr., 3rd District  
The Honorable Barbara F. Bachur, 4th District  
The Honorable Eugene W. Gallagher, 6th District  
The Honorable John W. O'Rourke, 7th District  
Thomas Toporovich, Secretary, Baltimore County Council  
B. Melvin Cole, Administrative Officer

APPROVED BY THE COUNTY COUNCIL ON  
FEB 7 1980  
*Thomas Toporovich*  
Thomas Toporovich, Secretary

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Walter A. Reiter, Jr., Chairman  
TO: County Board of Appeals  
John D. Seyffert, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Donald B. Foster Property  
Zoning Petition No. 80-185-R

Date: February 25, 1980

After reviewing the subject petition, it is my opinion that BR-CR zoning would be appropriate here and that the existing R.C. 5 zoning classification, adopted by the 1976 Comprehensive Zoning Map, was the result of a drafting error by the planning staff.

It is therefore recommended that the petitioner's request be granted.

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

JDS:JGH:dne

cc: Zoning Commissioner  
Peoples Counsel

RECEIVED  
BALTIMORE COUNTY  
FEB 25 1 54 PM '80  
COUNTY BOARD  
OF APPEALS  
BY:

Herbert R. O'Connor, III, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

NOTICE OF HEARING BEFORE THE  
COUNTY BOARD OF APPEALS

RE: Petition for Reclassification and Redistricting - S/S of Monkton Road,  
225' E of York Road - Donald B. Foster, et ux - Case No. R 80-185

TIME: 10:00 A.M.

DATE: Tuesday, March 11, 1980

PLACE: ROOM 218, COURTHOUSE, TOWSON, MARYLAND

*Walter A. Reiter, Jr.*  
CHAIRMAN, COUNTY BOARD OF APPEALS

494-3180

County Board of Appeals

Room 219, Court House  
Towson, Maryland 21204  
April 30, 1980

Herbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Md. 21204

Re: Case No. 80-185-R  
Donald B. Foster, et ux

Dear Mr. O'Connor:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*Edith T. Eisenhart*  
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Donald B. and Anne Foster  
John W. Hession, III, Esquire  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. J. Hoswell  
Board of Education

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

March 11, 1980

Honorable William T. Hackett  
County Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Foster Petition for Reclassification  
Case No. 80-185-R (Item 144)  
Our File No. 10311

Dear Mr. Hackett:

This letter is merely to advise the Board that the Foster Petition for Reclassification, from an R.C. 5 zone to a B.M.-C.R. zone, does not include or involve a special exception.

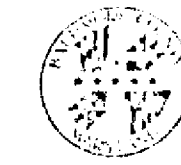
During this morning's hearing, reference was made to the special exception. I believe this arose from the fact that Mr. Foster has previously obtained a special exception for an area to the rear of the hardware store and the file materials, prepared by the Zoning Office, merely made reference to it. Since the special exception and the use of the adjoining property, for the hardware store, has continued since the granting of the special exception, I do not believe that it has lapsed or expired because of the drafting error by a member of the Planning staff. I would also like to add that, in preparing the necessary petitions for filing, this matter was fully reviewed with Nicholas B. Commodari, of the Zoning Office, and I informed him that our objective was to return the Foster property to its full zoning rights as existing before the adoption of the 1976 zoning map. Mr. Commodari did make note of the special exception, but he did not request nor suggest that a Petition for Special Exception accompany these proceedings. Therefore, I respectfully submit that there is no need for you to address this issue in the Opinion and Order of the Board.

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm

cc: John W. Hession, III, Esquire  
Mr. Donald Foster



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

February 28, 1980

Herbert R. O'Connor, III, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Reclassification and  
Redistricting - S/S Monkton Road,  
225' E of York Road - Donald B.  
Foster, et ux - Case No. R-80-185

Dear Sir:

This is to advise you that \$59.38 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:ej

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>WHL</i>	Revised Plans: Change in outline or description Yes <input type="checkbox"/> No <input type="checkbox"/>									
Previous case: <i>---</i>	Map # <i>---</i>									

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 15 day of Jan, 1980.

Filing Fee \$ 50 Received: ☒ Check  
☐ Cash  
☐ Other

#144

*William E. Hammond*  
William E. Hammond, Zoning Commissioner

Petitioner *Foster* Submitted by *H. O'Connor*

Petitioner's Attorney *H. O'Connor* Reviewed by *WHL*

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

*Rec'd file from Zoning 3/5/80 - am*  
*Hand deliv'd by Sondra*



Petition for  
Reclassification &  
Redistricting  
7th District  
Zoning: Petition for  
Reclassification  
Redistricting  
Location: South side of  
Monkton road, 225 feet east of  
York road.  
Date & Time: Tuesday, March  
11, 1980 at 10:00 A.M.  
Public Hearing: Room 218,  
Courthouse, Towson, Maryland  
The County Board of Appeals  
for Baltimore County, by  
authority of the Baltimore  
County Charter will hold a  
public hearing.  
Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting  
from undistricted to C.R.  
District  
All that parcel of land in the  
Seventh District of Baltimore  
County  
Beginning for the same at a  
point in the center of Monkton  
road distant south 88 degrees  
45 minutes east 225 feet  
measured along the center of  
said road from the intersection  
of the center of Monkton road  
with the center of York road and  
running thence and binding in  
the center of Monkton road,  
south 88 degrees 45 minutes  
east 25 feet, thence leaving said  
road and running through the  
lands of the petitioner herein,  
south 88 degrees 00 minutes west  
222.51 feet, thence running on  
the property line of the  
petitioner herein, north 88  
degrees 45 minutes west 25 feet  
to the zoning line as shown on  
the 1976 Comprehensive zoning  
map and thence binding on said  
line, north 2 degrees 00 minutes  
east 222.51 feet to the place of  
beginning.  
Containing 0.13 of an acre of  
land more or less.  
Being the property of Donald  
B. Foster, et ux, as shown on  
plat plan filed in the Zoning  
Department.  
Hearing Date:  
TUESDAY, MARCH 11, 1980  
AT 10:00 A.M.  
Public Hearing: Room 218,  
Courthouse, Towson, Maryland.  
BY ORDER OF  
WALTER A. REITER, JR.  
Chairman, County Board of  
Appeals of Baltimore County

THE **ÆGIS** *ESSEX TIMES*  
Bel Air, Md., Feb. 21 1980  
This is to Certify, That the annexed  
Petition  
for  
was inserted in THE **ÆGIS**, a newspaper printed  
and published in Harford County, once in each  
of one successive  
weeks before the 11th day of  
March, 1980  
Ann M. Whittington Publisher.

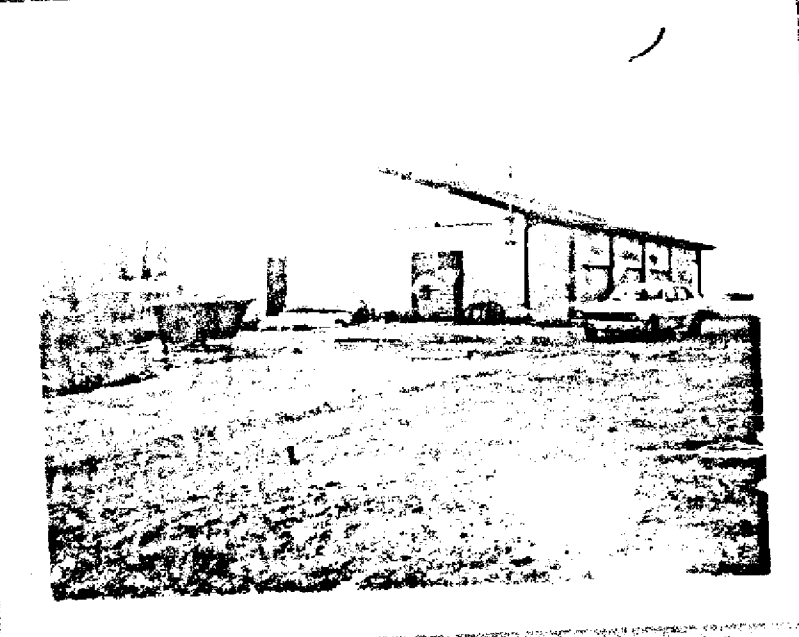
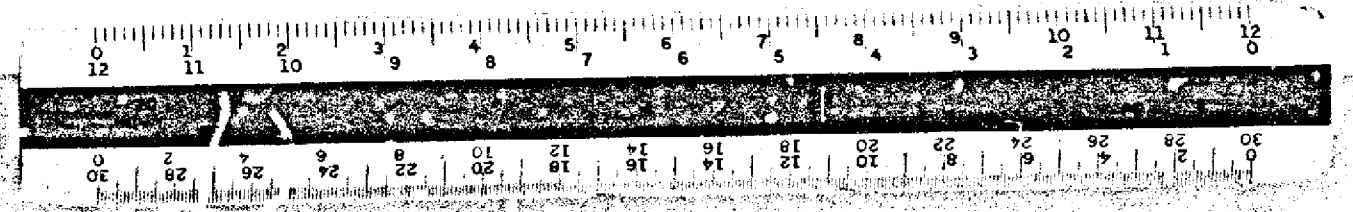
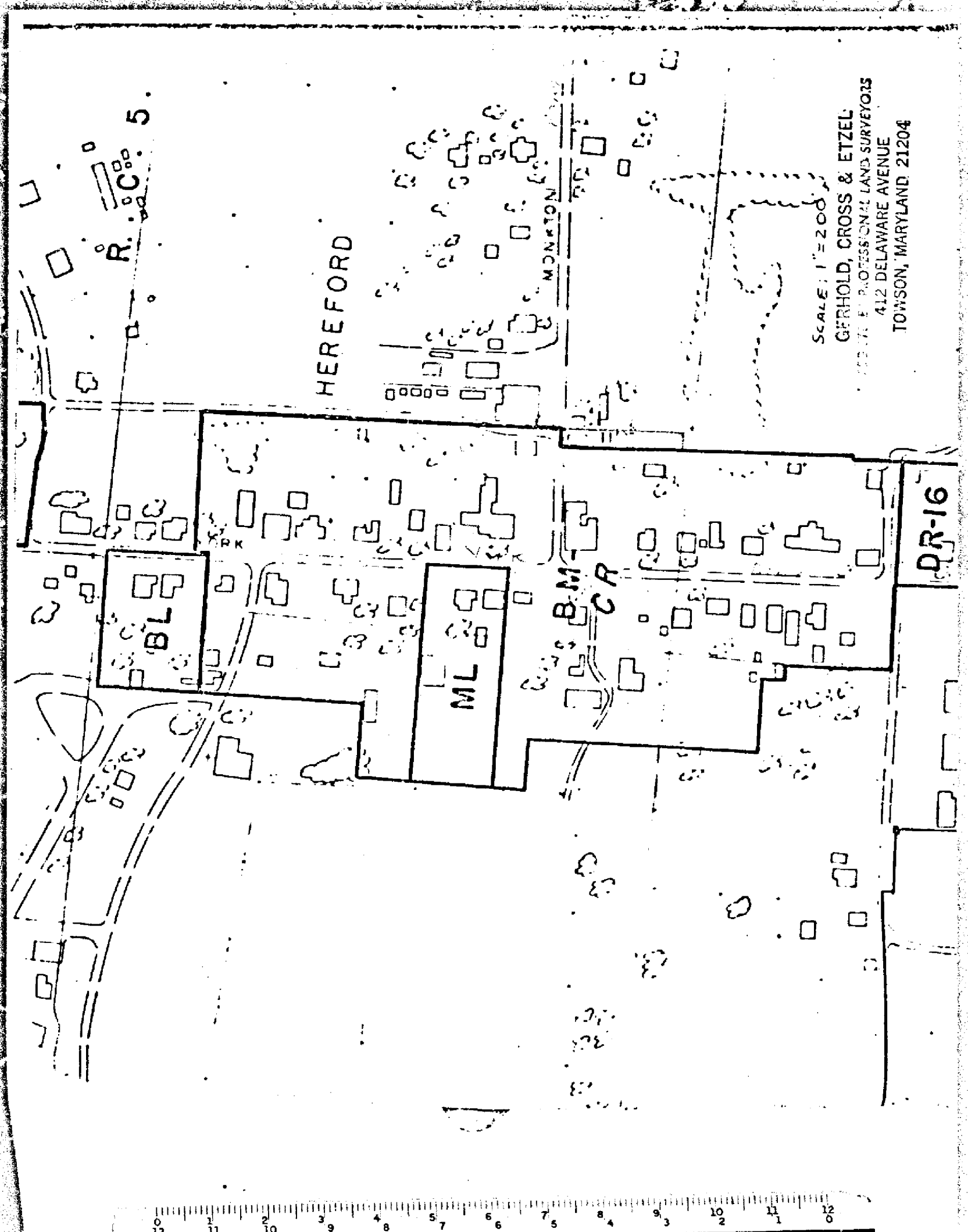
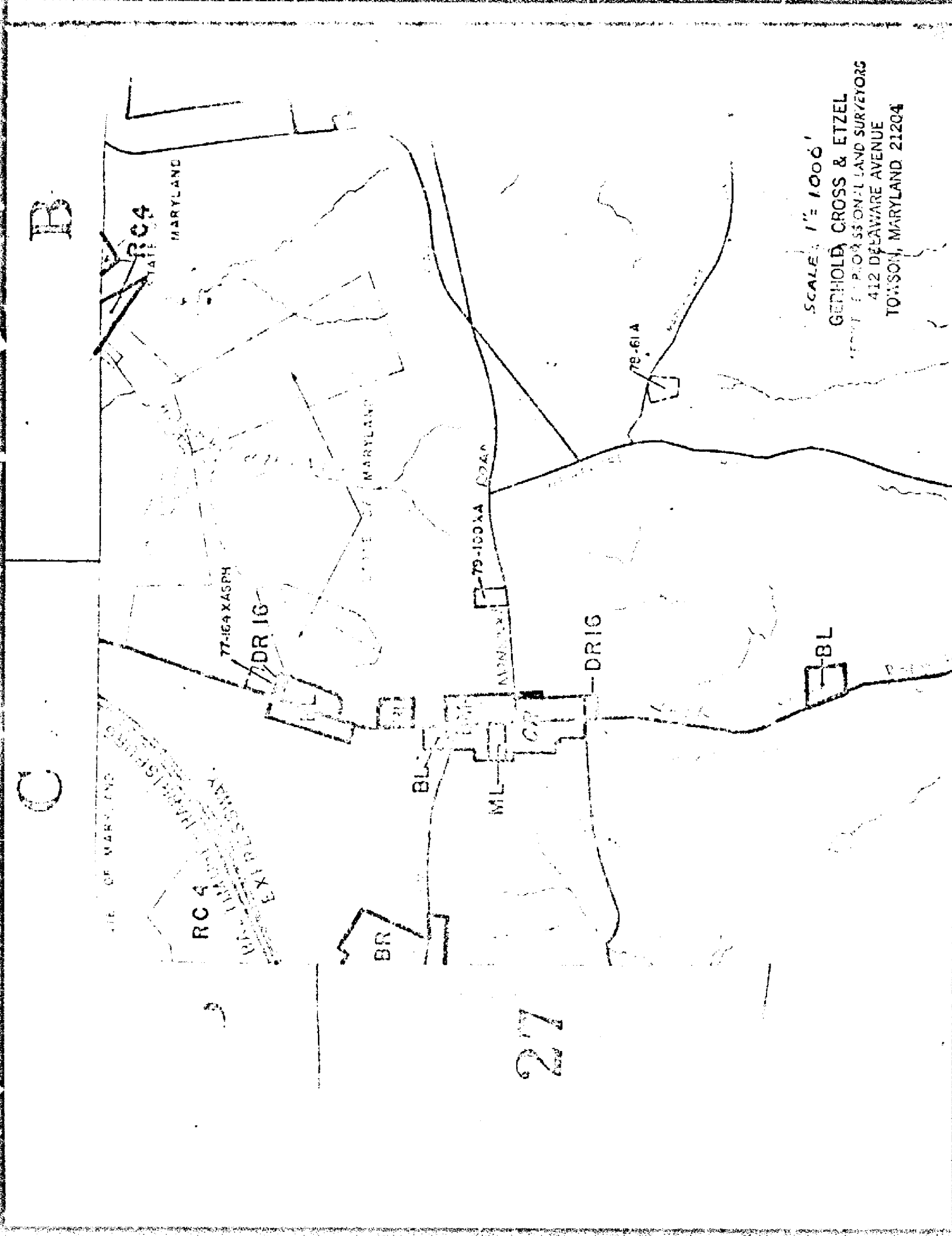
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 85633  
DATE February 13, 1980 ACCOUNT 01-662  
AMOUNT \$50.00  
RECEIVED FROM: Herbert R. O'Connor, III, Esquire  
FOR: Filing Fee for Case No. R-80-185  
00734878 13 50.00 CAC  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 86324  
DATE March 4, 1980 ACCO. IT. 01-662  
AMOUNT \$59.38  
RECEIVED FROM: Donald B. Foster  
FOR: Advertising and Posting for Case No. R-80-185  
00007228 5 59.38 ML  
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR  
RECLASSIFICATION AND  
REDISTRICTING  
7th DISTRICT  
ZONING: Petition for Reclassification  
and Redistricting  
LOCATION: South side of Monkton  
Road, 225 feet East of York Road  
DATE & TIME: Tuesday, March 11,  
1980 at 10:00 A.M.  
PUBLIC HEARING: Room 218,  
Courthouse, Towson, Md.  
The County Board of Appeals for  
Baltimore County, by authority of  
the Baltimore County Charter will  
hold a public hearing.  
Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting from un-  
districted to C.R. District  
All that parcel of land in the Sev-  
enth District of Baltimore County  
Beginning for the same at a point  
in the center of Monkton Road dis-  
tant 225 feet measured along the  
center of said road from the inter-  
section of the center of Monkton  
Road with the center of York Road  
and running thence and binding in  
the center of Monkton Road, South  
88 degrees 45 minutes East 25 feet,  
thence leaving said road and run-  
ning through the lands of the peti-  
tioner herein, South 88 degrees 00  
minutes West 222.51 feet, thence  
running on the property line of the  
petitioner herein, North 88 degrees  
45 minutes West 25 feet to the zon-  
ing line as shown on the 1976 Com-  
prehensive Zoning Map and thence  
binding on said line, North 2 de-  
grees 00 minutes East 222.51 feet to  
the place of beginning.  
Containing 0.13 of an Acre of land  
more or less.  
Being the property of Donald B.  
Foster, et ux, as shown on plat plan  
filed in the Zoning Department.  
Hearing Date: Tuesday, March 11,  
1980 at 10:00 A.M.  
Public Hearing: Room 218, Court-  
house, Towson, Md. 21204.  
By Order of:  
WALTER A. REITER, JR.,  
County Board of Appeals of  
Baltimore County  
Feb. 21.

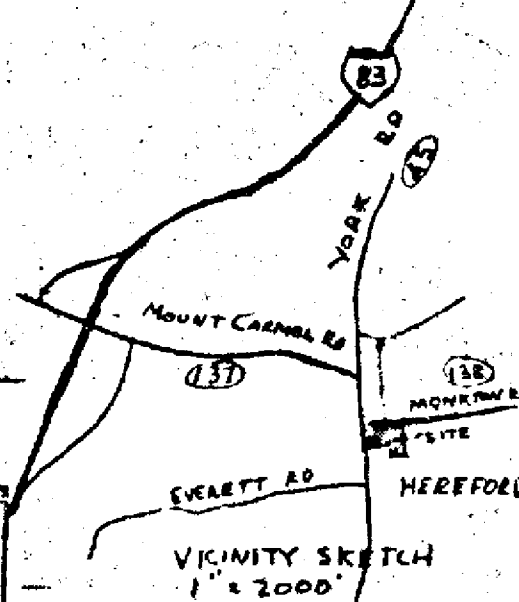
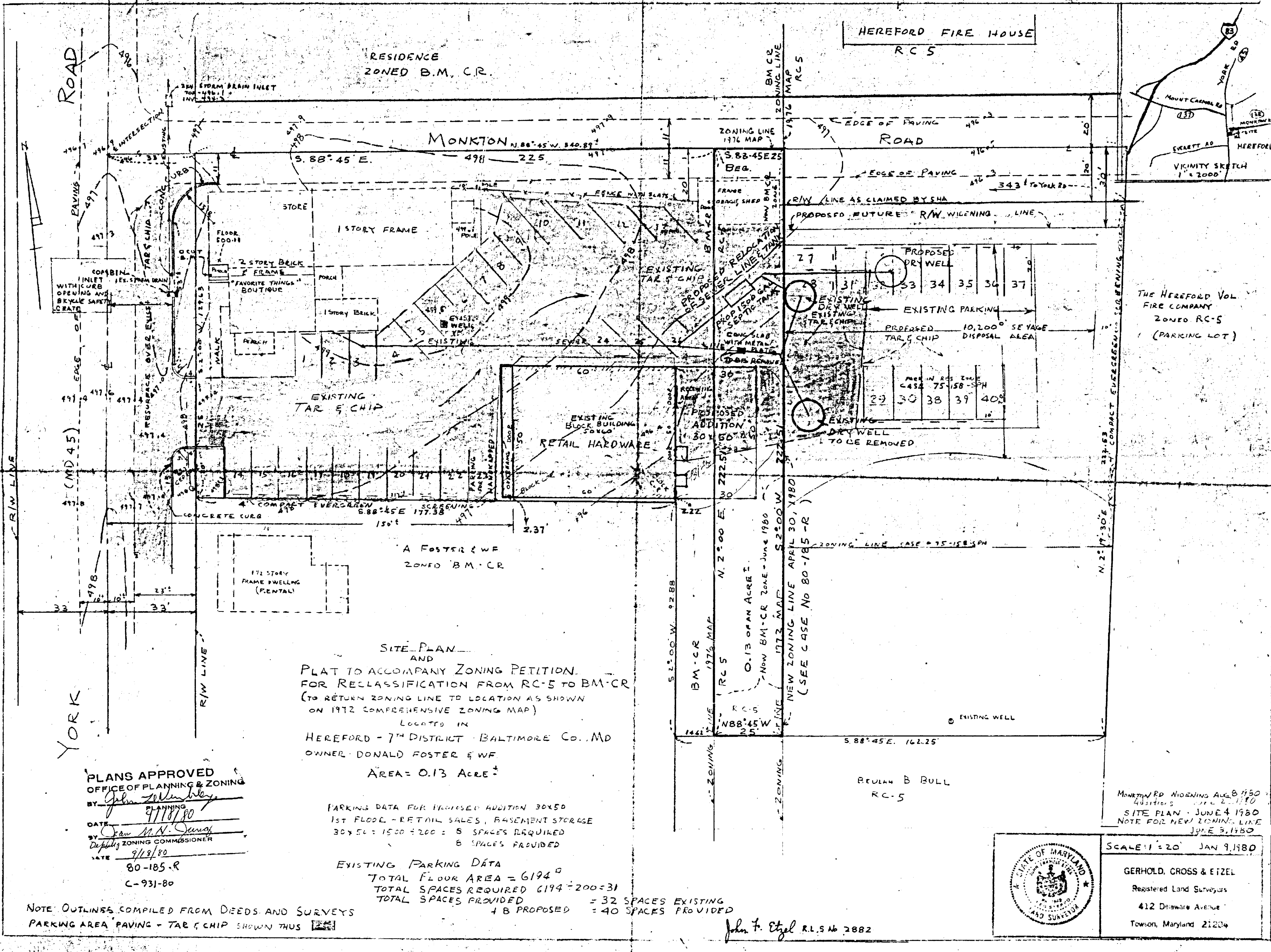
**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Md., land  
District 7 Date of Posting 2/24/80  
Posted for: Petition for Reclassification & Redistricting  
Petitioner: Donald B. Foster  
Location of property: 95 Monkton Rd., 225' E. of York Rd.  
Location of Signs: Location: SE 1/4 of York Rd. & Monkton Rd.;  
@ front of property (facing Monkton Rd.)  
Remarks: plc. decision would have put signs in middle of parking  
Posted by Sean Coleman Signature Date of return: 2/27/80  
3 signs

**CERTIFICATE OF PUBLICATION**  
TOWSON, MD., February 21, 1980  
THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., once in each  
of one time successive weeks before the 11th  
day of March, 1980, the first publication  
appearing on the 21st day of February  
1980.  
THE JEFFERSONIAN.  
Sam Leach Manager.  
Cost of Advertisement, \$ 11.00









SITE PLAN  
AND  
PLAT TO ACCOMPANY ZONING PETITION  
FOR RECLASSIFICATION FROM RC-5 TO BM-CR  
(TO RETURN ZONING LINE TO LOCATION AS SHOWN  
ON 1972 COMPREHENSIVE ZONING MAP)  
LOCATED IN  
HEREFORD - 7TH DISTRICT - BALTIMORE CO., MD  
OWNER: DONALD FOSTER & WF  
AREA = 0.13 ACRE ±

PARKING DATA FOR PROPOSED ADDITION 30x50  
1ST FLOOR - RETAIL SALES, BASEMENT STORAGE  
30x50 = 1500 ÷ 200 = 8 SPACES REQUIRED  
8 SPACES PROVIDED

EXISTING PARKING DATA  
TOTAL FLOOR AREA = 6194  
TOTAL SPACES REQUIRED 6194 ÷ 200 = 31  
TOTAL SPACES PROVIDED = 32 SPACES EXISTING  
4 B PROPOSED = 40 SPACES PROVIDED

PLANS APPROVED  
OFFICE OF PLANNING & ZONING  
BY: *John F. Etzel*  
DATE: 9/18/80  
BY: *Don M. N. Jones*  
Deputy Zoning Commissioner  
DATE: 9/18/80  
80-185-R  
C-931-80

NOTE: OUTLINES COMPILED FROM DEEDS AND SURVEYS  
PARKING AREA PAVING - TAR & CHIP SHOWN THUS [Symbol]

John F. Etzel R.L.S. No. 2882



MONKTON RD WIDENING AUG 8 1980  
40 stations  
SITE PLAN - JUNE 4 1980  
NOTE FOR NEW ZONING LINE  
JUNE 3, 1980

SCALE: 1" = 20' JAN 9, 1980  
GERHOLD, CROSS & ETZEL  
Registered Land Surveyors  
412 Delaware Avenue  
Towson, Maryland 21204

# PETITION FOR ZONING REDISTRICTING AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Donald B. & Mary E. Foster, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from undistricted to a C.R. district; for the following reasons:

The existing use of the property is a retail hardware store. It is located within a contiguous commercial area with zones of BM-CR, BL and ML. The store is located at the intersection of York and Monkton Roads, both of which are paved, and it is beyond the Urban-Rural Demarcation Line. These facts indicate that the criteria for a C. R. District as stated in Section 259.2A of the Zoning Regulations, are met.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for hardware store.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-districting and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Donald B. Foster, et ux  
Donald B. Foster, (signing by) - Herbert R. O'Connor III  
Ann E. Foster Legal Owner  
Address Herbert R. O'Connor, III  
210 Allegheny Ave.  
Towson, Md. 21204  
Petitioner's Attorney

Herbert R. O'Connor, III  
Herbert R. O'Connor, III  
Address Herbert R. O'Connor, III  
210 Allegheny Ave.  
Towson, Md. 21204  
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of February, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1980, at 10:00 o'clock A.M.

John W. Hession, III  
Zoning Commissioner of Baltimore County.  
(over)

## PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R.C. 5 zone to an B.M. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for hardware store.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
JUN 15 11 41 AM '80  
COUNTY BOARD OF APPEALS  
BY John W. Hession, III

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Donald B. Foster, et ux  
(Type or Print Name) Donald B. Foster, et ux  
Signature Donald B. Foster, et ux  
Street or Box Monkton Road  
City and State Monkton, Maryland 21111

Legal Owner(s): Donald B. Foster, et ux  
(Type or Print Name) Donald B. Foster, et ux  
Signature Donald B. Foster, et ux  
Street or Box Monkton Road  
City and State Monkton, Maryland 21111

Attorney for Petitioner: Herbert R. O'Connor, III  
(Type or Print Name) Herbert R. O'Connor, III  
Signature Herbert R. O'Connor, III  
Street or Box 210 Allegheny Avenue  
City and State Towson, Maryland 21204

Attorney's Telephone No.: 823-4111  
Telephone No. 823-4111

BABC-Form 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
from R.C. 5 to B.M.-C.R. Zone :  
S/S Monkton Rd. 225' E. York Rd., :  
7th District :  
DONALD B. FOSTER, et ux, :  
Petitioners : Case No. 80-185-R (Item 144)

### ORDER TO ENTER APPEARANCE

Mr. Chairman:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
John W. Hession, III  
People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 4th day of March, 1980, a copy of the foregoing Order was mailed to Herbert R. O'Connor, III, Esquire, Cook, Howard, Downes & Tracy, 210 Allegheny Ave., Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III  
John W. Hession, III

CASE NO. 80-185-R

DONALD B. FOSTER, ET UX

for reclassification from R.C. 5 to B.M.-C.R.  
" SE - Hardware Store ????

S/S Monkton Rd. 225' E. of York Rd.

7th District

Out of cycle case - Okayed by Planning Board and County Council

ASSIGNED FOR: TUESDAY, MARCH 11, 1980 at 10 a.m.

3/11/80 - For W.T.H. - Mr. O'Connor to send letter re Special Exception

RE: PETITION FOR RECLASSIFICATION : BEFORE  
from R.C. 5 to B.M., and : COUNTY BOARD OF APPEALS  
REDISTRICTING from Undistricted : OF  
to C.R. District :  
S/S Monkton Road 225' : BALTIMORE COUNTY  
E. of York Road :  
7th District :  
Donald B. Foster, et ux : No. 80-185-R  
Petitioners : (Out of Cycle)

### OPINION

This case comes before this Board as the result of a request for reclassification of a small portion of land from an R.C. 5 zone to a B.M. zone - C.R. District; said property being located on the south side of Monkton Road 225 feet east of York Road, in the Seventh Election District of Baltimore County. Petitioners requested an "Out of Cycle" hearing in this case, which was approved by the Baltimore County Planning Board and affirmed by the Baltimore County Council.

Mention was made during the hearing regarding a special exception granted this property prior to this hearing. The only testimony received indicates this to be a legal special exception that has not lapsed or expired and, therefore, the Board will consider the special exception to be valid and proper and will not address it in its Order.

Testimony from all parties indicates that the R.C. 5 zoning is in fact the result of a drafting error on the 1976 comprehensive zoning maps. It is obvious to this Board that the 1976 zoning line was continued in a straight line and this removed 25 feet of the property from its original B.M.-C.R. zone into the new R.C. 5 zoning area. This use has been in existence on this site since 1929 and is a respected business in this area. The County Council in its review of all properties in the County could not be expected to be aware of each small property line deviation from the zoning line, and the obvious error in this case seems to be a logical one.

After carefully reviewing all the testimony and exhibits presented in this case, the Board is of the opinion that the R.C. 5 zoning is, in fact, in error and will order its rezoning to the original B.M.-C.R. classification.

Donald B. Foster - 80-185-R

2.

### ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of April, 1980, by the County Board of Appeals, ORDERED that the reclassification from an R.C. 5 zone to a B.M. zone, C.R. District petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Acting Chairman

LeRoy B. Spurrier  
LeRoy B. Spurrier

Patricia Millhouser  
Patricia Millhouser

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

Herbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

cc: Gerhold Cross & Elzel  
412 Delaware Ave.  
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 4th day of February, 1980.

William E. Hammond  
William E. Hammond  
Zoning Commissioner

Petitioner Donald B. Foster, et ux

Petitioner's Attorney Herbert R. O'Connor, III, Esq.

Reviewed by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 29, 1980

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204o/o  
Nicholas B. Commodari  
ChairmanMEMBERS  
Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
DevelopmentHerbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204RE: Item No. 144  
Petitioners-Donald B. Foster, et ux  
Reclassification and  
Redistricting Petitions

Dear Mr. O'Connor:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject of this petition is part of an overall tract of land located on the southeast corner of York and Monkton Roads in the 7th Election District. The property is improved with existing commercial uses, while a residence and the Hereford Fire House exists to the north across Monkton Road, and an individual dwelling exists to the south.


This property was the subject of a previous zoning hearing (Case No. 75-158-SPH) in which a Special Hearing to permit off-street parking in the rear portion of this property was granted. At the time of field inspection, said area was not being utilized for parking.

Because of your clients' proposal to rezone a portion of this property to the rear from R.C. 5 to B.M.-C.R., this hearing is required. Particular attention should be afforded to the comments of the State Highway Administration.

Item No. 144  
Reclassification and  
Redistricting Petitions  
February 29, 1980

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Gerhold Cross & Etzel  
412 Delaware Ave.  
Towson, Md. 21204

February 19, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Re: Item #144 (1979-1980)  
Property Owner: Donald B. & Anne Foster  
S/S Monkton Rd. 225' E. York Rd.  
Existing Zoning: RC 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13 District: 7th

Dear Mr. Hammond:

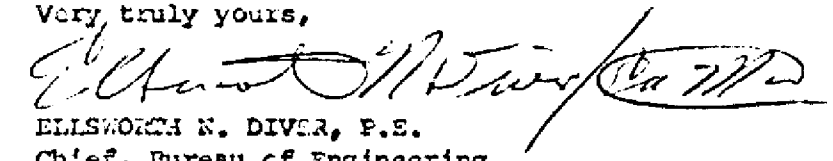
The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this property in connection with the Zoning Advisory Committee review for Item 113 (1974-1975), 75-158 JPH, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 144 (1979-1980).

Very truly yours,

  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:FWR:es

HH-SE Key Sheet  
107 NW 9 Pos. Sheet  
NW 27 C Topo  
22 Tax Map

Attachment

Baltimore County, Maryland  
Department of Public Works  
COUNTY OFFICE BUILDING  
TOWSON, MD. LAND 21204Bureau of Engineering  
ELLSWORTH N. DIVER, P.E., CHIEF

January 10, 1975

Mr. J. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Re: Item #113 (1974-1975)  
Property Owner: Donald B. & Anne E. Foster  
S/S of Monkton Rd., 250' E. of York Rd.  
Existing Zoning: R.D.P.  
Proposed Zoning: Special Hearing to approve and issue a permit for parking  
No. of Acres: 74,335 Sq. Ft. District: 7th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road (Md. 45) and Monkton Road (Md. 138) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

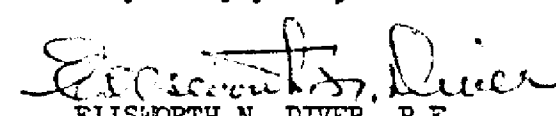
Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.


Item #113 (1974-1975)  
Property Owner: Donald B. & Anne E. Foster  
Page 2  
January 10, 1975Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property which apparently utilizes private onsite facilities. This property is beyond the limits of the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended July 1973, indicates No Planned Service in the area.

Very truly yours,

  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EM:FWR:es

cc: John Meyers - St. Hwy. Ada.  
John TrennerHH-SE Key Sheet  
107 NW 9 Pos. Sheet  
NW 27 C Topo  
22 Tax MapBALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211JOHN D. SEYFFERT  
DIRECTOR

March 3, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:


Comments on Item #144, Zoning Advisory Committee Meeting, January 29, 1980, are as follows:

Property Owner: Donald B. and Anne Foster  
Location: S/S Monkton Road 225' E. York Rd.  
Existing Zoning: RC-5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

  
John L. Wimbley  
Planner III  
Current Planning and DevelopmentMaryland Department of Transportation  
State Highway AdministrationJames J. O'Donnell  
Secretary  
M. S. Caltrider  
Administrator

February 4, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204Re: Z.A.C. Meeting, Jan. 29, 1980  
ITEM: 144.  
Property Owner: Donald B. & Anne Foster  
Location: S/S Monkton Rd.  
(Route 138) 225' E. York Road  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

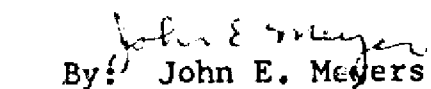
Attention: Mr. N. Commodari

Dear Mr. Hammond:

The proposed right of way for Monkton Road is 80', 40' from the centerline of existing highway and not 25' as indicated on the plan.

Any access from Monkton Road will require highway improvements done under permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits  
By: John E. Meyers

CL:JEM:vrd

My telephone number is (301)383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County  
Department of Public Engineering  
TOWSON, MARYLAND 21204  
(301) 494 3550STEPHEN E. COLLINS  
DIRECTOR

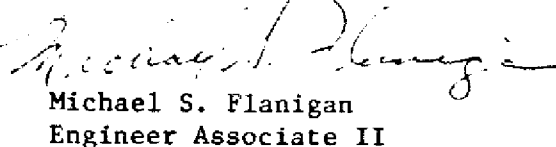
March 3, 1980

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204Item No. 144  
Property Owner: Donald B. & Anne Foster  
Location: S/S Monkton Rd. 225' E York Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.Acres: 0.13  
District: 7th

Dear Mr. Hammond:

The requested zoning changes from R.C. 5 to B.M.-C.R. is to small to have a major effect on traffic.

Very truly yours,

  
Michael S. Flanigan  
Engineer Associate II

MSF/hmd

February 29, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #144, Zoning Advisory Committee Meeting of  
January 29, 1980, are as follows:

Property Owner: Donald B. & Anne Foster  
Location: S/S Monkon Rd. 225' E York Rd.  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M.-C.R.  
Acres: 0.13  
District: 7th

The existing retail hardware store is presently served by a  
water well and sewage disposal system, both of which appear to be  
functioning properly.

If a future addition to the building is proposed, the existing  
septic tank and one of the two existing seepage pits must be abandoned  
and backfilled. A new 1500 gallon septic tank and seepage pit would be  
installed in a new location that must be a minimum distance of 20 ft.  
from the proposed addition.

Very truly yours,

*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth

TED ZALESKI, JR.  
DIRECTOR

February 29, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #144, Zoning Advisory Committee Meeting, January 29, 1980  
are as follows:

Property Owner: Donald B. & Anne Foster  
Location: S/S Monkon Road 225' E York Road  
Existing Zoning: R.C. 5  
Proposed Zoning: B.M. - C.R.

Acres: 0.13  
District: 7th

The items checked below are applicable:

- PROPOSED
- X A. All structures shall conform to the Baltimore County Building Code 1978, the  
State of Maryland Code for the Handicapped and Aged; and other applicable Codes.  
and other miscellaneous
- X B. A building permit shall be required before beginning construction.
- C. Residential: three sets of construction drawings are required to file a permit  
application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered  
Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent  
lot line shall be of one hour fire resistive construction, no openings permitted  
within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction  
is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code,  
Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit  
application, and three required set s of drawings indicating how the structure  
will meet the Code requirements for the proposed change. Drawings may require  
a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru  
the services of a Registered in Maryland Architect or Engineer certify to this  
office, that, the structure for which a proposed change in use is proposed can  
comply with the height/area requirements of Table 305 and the required construction  
classification of Table 211.
- I. Comments -

NOTE: These comments reflect only on the information provided by the drawing  
submitted to the office of Planning and Zoning and are not intended to  
be construed as the full extent of any permit.  
If desired additional information may be obtained by visiting Room #122  
(Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burman*  
Charles E. Burman, Chief  
Plans Review

CEB:rrj

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 24, 1980

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: January 29, 1980

RE: Item No: 144, 148, 149, 150  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

## PETITION FOR RECLASSIFICATION AND REDISTRICTING

7th Dist. 1st

ZONING: Petition for Reclassification and Redistricting  
LOCATION: South side of Monkon Road, 225 feet East of York Road  
DATE & TIME: Tuesday, March 11, 1980 at 10:00 A.M.  
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore  
County Charter will hold a public hearing:

Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting from undistricted to C.R. District

All that parcel of land in the Seventh District of Baltimore County

Being the property of Donald B. Foster, et ux, as shown on plat plan filed in the  
Zoning Department

Hearing Date: Tuesday, March 11, 1980 at 10:00 A.M.  
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF  
WALTER A. REITER, JR.,  
CHAIRMAN, COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D.C. DOWNES  
JAMES W. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O.C. TRACY, JR.  
JOHN H. ZINN, III  
JOSEPH C. WICK, JR.  
HENRY M. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a  
zoning matter of great importance to its business. This  
company is a family operated hardware and general merchandise  
store located in Hereford at the southeast corner of York and  
Monkon Roads.

The company has operated at the present location since  
1929. An addition to the existing store is essential for the  
continued success of the company. The property is zoned EM-CR,  
but it was discovered during the planning of the addition that  
the 1976 Comprehensive Zoning Map shifted the zoning line  
approximately 25 feet in a westerly direction (towards York  
Road). My client did not participate in this change and was  
most surprised and dismayed when this information was learned.  
The change in the line may have resulted from a slight drafting  
error because the EM-CR zone to the north of Monkon Road was  
not changed. If the line is returned to its original location,  
my client should be able to build the addition. Opposition to  
such a change is unlikely because the adjacent parcel serves as  
a parking lot for the Hereford Volunteer Fire Department and  
because Foster Brothers Hardware has served the community for  
over fifty years.

This request carries an urgent need for quick action since  
my client has obtained a loan to finance the addition and the  
factors operating in the loan market cause us to fear that the  
loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no  
practical relief to my client because it will not be adopted  
until November of 1980. Therefore, I request that the Planning  
Board consider a resolution which notes the emergency aspect of  
this problem and which certifies to the County Council that  
early action on this zoning reclassification is warranted.  
Frank Shearer advises that these requests are usually  
considered first by the Committee on Land Development and  
Conservation and, therefore, a copy of this letter is directed  
to its Chairman, Louis M. Hess, I will attend the committee  
meeting on January 3 to answer any questions which its members  
may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rlf

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

January 15, 1980

Walter A. Reiter, Jr., Chairman  
County Board of Appeals of  
Baltimore County  
Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

Please be advised that for the purposes of the Petition  
for Zoning Re-classification we have authorized Herbert R.  
O'Connor, III, our attorney, to sign the Petition and any other  
papers necessary to the completion of this process.

Very truly yours,

*Donald B. Foster*  
Donald B. Foster

*Anne Foster by Donald B. Foster*  
Anne Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

823-4111  
AREA CODE 301

January 14, 1980

Mr. Nicholas B. Commodari  
Office of the Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Commodari:

Please find enclosed three copies of my January 2, 1980  
letter to William F. Kirwin, Jr., Chairman of the Baltimore  
County Planning Board. This letter and the copies are submitted  
to comply with Item 3 of the Guide for Preparation of Reclasi-  
fication Petitions.

The enclosed letter contains an explanation of the reasons  
why the reclassification should be granted. If additional infor-  
mation is needed, please contact me.

Kind regards,

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm  
Enclosures



LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a zoning matter of great importance to its business. This company is a family operated hardware and general merchandise store located in Hereford at the southeast corner of York and Monkton Roads.

The company has operated at the present location since 1929. An addition to the existing store is essential for the continued success of the company. The property is zoned BM-CR, but it was discovered during the planning of the addition that the 1976 Comprehensive Zoning Map shifted the zoning line approximately 25 feet in a westerly direction (towards York Road). My client did not participate in this change and was most surprised and dismayed when this information was learned. The change in the line may have resulted from a slight drafting error because the BM-CR zone to the north of Monkton Road was not changed. If the line is returned to its original location, my client should be able to build the addition. Opposition to such a change is unlikely because the adjacent parcel serves as a parking lot for the Hereford Volunteer Fire Department and because Foster Brothers Hardware has served the community for over fifty years.

This request carries an urgent need for quick action since my client has obtained a loan to finance the addition and the factors operating in the loan market cause us to fear that the loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no practical relief to my client because it will not be adopted until November of 1980. Therefore, I request that the Planning Board consider a resolution which notes the emergency aspect of this problem and which certifies to the County Council that early action on this zoning reclassification is warranted. Frank Shearer advises that these requests are usually considered first by the Committee on Land Development and Conservation and, therefore, a copy of this letter is directed to its Chairman, Louis M. Hess. I will attend the committee meeting on January 3 to answer any questions which its members may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rif

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 2, 1980

Mr. William F. Kirwin, Jr.  
Chairman, Baltimore County Planning Board  
Fourth Floor, County Courts Building  
Towson, Maryland 21204

Re: Foster Brothers, Inc.

Dear Mr. Kirwin:

Foster Brothers, Inc. has requested my assistance in a zoning matter of great importance to its business. This company is a family operated hardware and general merchandise store located in Hereford at the southeast corner of York and Monkton Roads.

The company has operated at the present location since 1929. An addition to the existing store is essential for the continued success of the company. The property is zoned BM-CR, but it was discovered during the planning of the addition that the 1976 Comprehensive Zoning Map shifted the zoning line approximately 25 feet in a westerly direction (towards York Road). My client did not participate in this change and was most surprised and dismayed when this information was learned. The change in the line may have resulted from a slight drafting error because the BM-CR zone to the north of Monkton Road was not changed. If the line is returned to its original location, my client should be able to build the addition. Opposition to such a change is unlikely because the adjacent parcel serves as a parking lot for the Hereford Volunteer Fire Department and because Foster Brothers Hardware has served the community for over fifty years.

This request carries an urgent need for quick action since my client has obtained a loan to finance the addition and the factors operating in the loan market cause us to fear that the loan may be lost unless construction begins in the near

future. The 1980 Comprehensive Zoning Map presents no practical relief to my client because it will not be adopted until November of 1980. Therefore, I request that the Planning Board consider a resolution which notes the emergency aspect of this problem and which certifies to the County Council that early action on this zoning reclassification is warranted. Frank Shearer advises that these requests are usually considered first by the Committee on Land Development and Conservation and, therefore, a copy of this letter is directed to its Chairman, Louis M. Hess. I will attend the committee meeting on January 3 to answer any questions which its members may have.

Thanking you for your attention to this matter, I remain

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/rif

cc: John D. Seyffert, Director  
Office of Planning and Zoning  
Louis M. Hess, Chairman  
Committee of Land Development and Conservation  
Frank D. Shearer, Jr., Assistant to Director  
Donald B. Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

PO 308  
Day Planning!  
NCC

January 30, 1980

Mr. Nicholas B. Commodari  
Office of the Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Zoning Petition of Donald B. Foster  
Our File No. 10311

Dear Mr. Commodari:

The County Council indicated at its worksession of January 29, that it would approve the Planning Board's certification that this zoning petition was in the public interest and worthy of exemption from the cycle zoning process. Formal approval of this certification is anticipated at the February 4, 1980 Legislative Session of the County Council.

My clients are most desirous of having this matter heard by the County Board of Appeals at the earliest available date. If there are any other documents or matters of information which you need, please call me at your earliest convenience.

Kind regards,

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm

cc: Mr. Donald Foster

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P. O. BOX 5517  
TOWSON, MARYLAND 21204

JAMES D. C. DOWNES  
JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONOR, III  
THOMAS L. HUDSON  
THOMAS W. EARLY  
FRANK A. LAFALCE

823-4111  
AREA CODE 301

January 15, 1980

Mrs. Edith T. Eisenhart,  
Administrative Secretary  
County Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Mr. and Mrs. Donald B. Foster  
Petition for Reclassification

Dear Mrs. Eisenhart:

Please accept for filing the following documents: a Petition for Zoning Reclassification and two copies; seven copies of the property description; a letter to Mr. Commodari and three copies of a letter to Mr. Kirwin which are submitted as an explanation of the reasons supporting the reclassification; two Xerox copies each of the 200' scale and 1000' scale maps; twelve copies of a site plan; and the filing fee.

Thanking you for your assistance, I am

Very truly yours,

*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm  
Enclosures

RECEIVED  
BALTIMORE COUNTY  
JAN 15 11 47 AM '80  
COUNTY BOARD  
OF APPEALS  
BY

GERHOLD, C. OSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470

CARL L. GERHOLD  
PHILIP E. CROSS  
JOHN F. ETZEL  
WILLIAM G. WURICH  
GORDON T. LANGDON

EMERITUS  
PAUL D. DOLLEBERG  
FRED W. DOLLEBERG

January 9, 1980

Zoning Description

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Monkton Road distant South 88 degrees 45 minutes East 225 feet measured along the center of said road from the intersection of the center of said road with the center of York Road and running thence and binding in the center of Monkton Road, South 88 degrees 45 minutes East 25 feet, thence leaving said road and running through the lands of the petitioner herein, South 2 degrees 00 minutes West 222.51 feet, thence running on the property line of the petitioner herein, North 88 degrees 45 minutes West 25 feet to the zoning line as shown on the 1976 Comprehensive Zoning Map and thence binding on said line, North 2 degrees 00 minutes East 222.51 feet to the place of beginning.

Containing 0.13 of an Acre of land more or less.

Being a part of the property of the petitioner herein and shown on a plat filed with the Baltimore County Board of Appeals.



*John A. Etzel*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Thomas Toporovich, Secretary  
TO: Baltimore County Council  
Walter A. Reiter, Jr., Chairman  
FROM: County Board of Appeals

Date: February 7, 1980

SUBJECT: Petition of Donald B. Foster

Concerning the above referenced reclassification petition, please note that the Board is holding a hearing date for this case on March 11, 1980 pending completion of procedural matters by the Office of Planning.

*Walter A. Reiter, Jr.*  
Walter A. Reiter, Jr., Chairman  
County Board of Appeals

WAR:s

cc: Mr. John D. Seyffert  
Mr. James Haswell



County Council of Baltimore County  
Court House, Towson, Maryland 21204  
(301) 494-3196

COUNCIL

Ronald B. Hickernell  
FIRST DISTRICT

Gary Huddles  
SECOND DISTRICT

James T. Smith, Jr.  
THIRD DISTRICT

Barbara F. Bachur  
FOURTH DISTRICT

Norman W. Lauenstein  
FIFTH DISTRICT, CHAIRMAN

Eugene W. Gallagher  
SIXTH DISTRICT

John W. O'Rourke  
SEVENTH DISTRICT

Thomas Toporovich  
SECRETARY

February 5, 1980

Mr. Walter A. Reiter, Jr., Chairman  
Baltimore County Board of Appeals  
Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

This is to advise you that the County Council, at their meeting on Monday, February 4, 1980, approved the Planning Board's motion certifying that early action is manifestly required in the public interest on the petition of Donald B. Foster.

Sincerely yours,

*Thomas Toporovich*  
Thomas Toporovich  
Secretary

TT:mtf

Attachment

cc: John D. Seyffert

RECEIVED  
BALTIMORE COUNTY  
FEB 6 8 24 AM '80  
COUNTY BOARD  
OF APPEALS  
BY:



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211

JOHN D. SEYFFERT  
DIRECTOR

January 18, 1980

The Honorable Norman W. Lauenstein, Chairman  
Baltimore County Council  
Court House  
Towson, Maryland 21204

Dear Mr. Lauenstein:

At its regular meeting on Thursday, January 17, 1980, the Baltimore County Planning Board, under the provisions of Subsection 22-22 (1) of the Baltimore County Code 1968, as amended, unanimously approved a motion to certify to the County Council that early action is manifestly required in the public interest on the petition of Donald B. Foster to change the zoning classification of his property at York and Monkton Roads from R.C. 5 to B.M.-C.R.

After reviewing the letter from the petitioner's attorney and a copy of the zoning map, the Board is of the opinion that the R.C. 5 zoning classification was inadvertently applied to the subject property as the result of a staff drafting error.

Copies of the petition and of the owner's letter are attached. Additional information will be provided upon your request. Notification of the Council's action should be made to the County Board of Appeals so that timely actions can be taken in accordance therewith.

Sincerely,

*John D. Seyffert*  
John D. Seyffert, Secretary  
Baltimore County Planning Board

JDS/JGH/acb

Attachments

cc: The Honorable Ronald B. Hickernell, First District  
The Honorable Gary Huddles, 2nd District  
The Honorable James T. Smith, Jr., 3rd District  
The Honorable Barbara F. Bachur, 4th District  
The Honorable Eugene W. Gallagher, 6th District  
The Honorable John W. O'Rourke, 7th District  
Thomas Toporovich, Secretary, Baltimore County Council  
B. Melvin Cole, Administrative Officer

APPROVED BY THE COUNTY COUNCIL ON  
FEB 7 1980  
*Thomas Toporovich*  
Thomas Toporovich, Secretary

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Walter A. Reiter, Jr., Chairman  
TO: County Board of Appeals  
John D. Seyffert, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Donald B. Foster Property  
Zoning Petition No. 80-185-R

Date: February 25, 1980

After reviewing the subject petition, it is my opinion that BR-CR zoning would be appropriate here and that the existing R.C. 5 zoning classification, adopted by the 1976 Comprehensive Zoning Map, was the result of a drafting error by the planning staff.

It is therefore recommended that the petitioner's request be granted.

*John D. Seyffert*  
John D. Seyffert, Director  
Office of Planning and Zoning

JDS/JGH:dne

cc: Zoning Commissioner  
Peoples Counsel

RECEIVED  
BALTIMORE COUNTY  
FEB 25 1 54 PM '80  
COUNTY BOARD  
OF APPEALS  
BY:

Herbert R. O'Connor, III, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

NOTICE OF HEARING BEFORE THE  
COUNTY BOARD OF APPEALS

RE: Petition for Reclassification and Redistricting - S/S of Monkton Road,  
225' E of York Road - Donald B. Foster, et ux - Case No. R 80-185

TIME: 10:00 A.M.

DATE: Tuesday, March 11, 1980

PLACE: ROOM 218, COURTHOUSE, TOWSON, MARYLAND

*Walter A. Reiter, Jr.*  
CHAIRMAN, COUNTY BOARD OF APPEALS

494-3180

County Board of Appeals

Room 219, Court House  
Towson, Maryland 21204  
April 30, 1980

Herbert R. O'Connor, III, Esquire  
210 Allegheny Avenue  
Towson, Md. 21204

Re: Case No. 80-185-R  
Donald B. Foster, et ux

Dear Mr. O'Connor:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*Edith T. Eisenhart*  
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Donald B. and Anne Foster  
John W. Hession, III, Esquire  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. J. Hoswell  
Board of Education

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
A PROFESSIONAL ASSOCIATION  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

March 11, 1980

Honorable William T. Hackett  
County Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Foster Petition for Reclassification  
Case No. 80-185-R (Item 144)  
Our File No. 10311

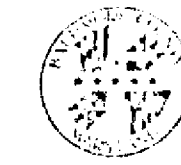
Dear Mr. Hackett:

This letter is merely to advise the Board that the Foster Petition for Reclassification, from an R.C. 5 zone to a B.M.-C.R. zone, does not include or involve a special exception.

During this morning's hearing, reference was made to the special exception. I believe this arose from the fact that Mr. Foster has previously obtained a special exception for an area to the rear of the hardware store and the file materials, prepared by the Zoning Office, merely made reference to it. Since the special exception and the use of the adjoining property, for the hardware store, has continued since the granting of the special exception, I do not believe that it has lapsed or expired because of the drafting error by a member of the Planning staff. I would also like to add that, in preparing the necessary petitions for filing, this matter was fully reviewed with Nicholas B. Commodari, of the Zoning Office, and I informed him that our objective was to return the Foster property to its full zoning rights as existing before the adoption of the 1976 zoning map. Mr. Commodari did make note of the special exception, but he did not request nor suggest that a Petition for Special Exception accompany these proceedings. Therefore, I respectfully submit that there is no need for you to address this issue in the Opinion and Order of the Board.

Very truly yours,  
*Herbert R. O'Connor, III*  
Herbert R. O'Connor, III

HRO/jm  
cc: John W. Hession, III, Esquire  
Mr. Donald Foster



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

February 28, 1980

Herbert R. O'Connor, III, Esquire  
Cook, Howard, Downes & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Reclassification and  
Redistricting - S/S Monkton Road,  
225' E of York Road - Donald B.  
Foster, et ux - Case No. R-80-185

Dear Sir:

This is to advise you that \$59.38 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:ej

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>WHL</i>	Revised Plans: Change in outline or description Yes <input type="checkbox"/> No <input type="checkbox"/>									
Previous case: <i>---</i>	Map # <i>---</i>									

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 15 day of Jan, 1980.

Filing Fee \$ 50 Received: ☒ Check  
☐ Cash  
☐ Other

#144

*William E. Hammond*  
William E. Hammond, Zoning Commissioner

Petitioner *Foster* Submitted by *H. O'Connor*

Petitioner's Attorney *H. O'Connor* Reviewed by *WHL*

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

*Rec'd file from Zoning 3/5/80 - am  
Hand deliv'd by Sondra*



Petition for  
Reclassification &  
Redistricting  
7th District  
Zoning: Petition for  
Reclassification  
Redistricting  
Location: South side of  
Monkton road, 225 feet east of  
York road.  
Date & Time: Tuesday, March  
11, 1980 at 10:00 A.M.  
Public Hearing: Room 218,  
Courthouse, Towson, Maryland  
The County Board of Appeals  
for Baltimore County, by  
authority of the Baltimore  
County Charter will hold a  
public hearing.  
Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting  
from undistricted to C.R.  
District  
All that parcel of land in the  
Seventh District of Baltimore  
County  
Beginning for the same at a  
point in the center of Monkton  
road distant south 88 degrees  
45 minutes east 225 feet  
measured along the center of  
said road from the intersection  
of the center of Monkton road  
with the center of York road and  
running thence and binding in  
the center of Monkton road,  
south 88 degrees 45 minutes  
east 25 feet, thence leaving said  
road and running through the  
lands of the petitioner herein,  
south 88 degrees 00 minutes west  
222.51 feet, thence running on  
the property line of the  
petitioner herein, north 88  
degrees 45 minutes west 25 feet  
to the zoning line as shown on  
the 1976 Comprehensive zoning  
map and thence binding on said  
line, north 2 degrees 00 minutes  
east 222.51 feet to the place of  
beginning.  
Containing 0.13 of an acre of  
land more or less.  
Being the property of Donald  
B. Foster, et ux, as shown on  
plat plan filed in the Zoning  
Department.  
Hearing Date:  
TUESDAY, MARCH 11, 1980  
AT 10:00 A.M.  
Public Hearing: Room 218,  
Courthouse, Towson, Maryland.  
BY ORDER OF  
WALTER A. REITER, JR.  
Chairman, County Board of  
Appeals of Baltimore County

THE **ÆGIS** *ESSEX TIMES*  
Bel Air, Md., Feb. 21 1980  
This is to Certify, That the annexed  
Petition  
for  
was inserted in THE *ESSEX TIMES*  
and published in Harford County, once in each  
of one successive  
weeks before the 11th day of  
March, 1980  
Ann M. Whittington Publisher.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 85633  
DATE February 13, 1980 ACCOUNT 01-662  
AMOUNT \$50.00  
RECEIVED FROM: Herbert R. O'Connor, III, Esquire  
FOR: Filing Fee for Case No. R-80-185  
00734878 13 50.00 CAC  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 86324  
DATE March 4, 1980 ACCO. IT. 01-662  
AMOUNT \$59.38  
RECEIVED FROM: Donald B. Foster  
FOR: Advertising and Posting for Case No. R-80-185  
00007228 5 59.38 ML  
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR  
RECLASSIFICATION AND  
REDISTRICTING  
7th DISTRICT  
ZONING: Petition for Reclassification  
and Redistricting  
LOCATION: South side of Monkton  
Road, 225 feet East of York Road  
DATE & TIME: Tuesday, March 11,  
1980 at 10:00 A.M.  
PUBLIC HEARING: Room 218,  
Courthouse, Towson, Md.  
The County Board of Appeals for  
Baltimore County, by authority of  
the Baltimore County Charter will  
hold a public hearing.  
Present Zoning: R.C.5  
Proposed Zoning: B.M.  
Petition for Redistricting from un-  
districted to C.R. District  
All that parcel of land in the Sev-  
enth District of Baltimore County  
Beginning for the same at a point  
in the center of Monkton Road dis-  
tant 225 feet measured along the  
center of said road from the inter-  
section of the center of Monkton  
Road with the center of York Road  
and running thence and binding in  
the center of Monkton Road, South  
88 degrees 45 minutes East 25 feet,  
thence leaving said road and run-  
ning through the lands of the peti-  
tioner herein, South 88 degrees 00  
minutes West 222.51 feet, thence  
running on the property line of the  
petitioner herein, North 88 degrees  
45 minutes West 25 feet to the zon-  
ing line as shown on the 1976 Com-  
prehensive Zoning Map and thence  
binding on said line, North 2 de-  
grees 00 minutes East 222.51 feet to  
the place of beginning.  
Containing 0.13 of an Acre of land  
more or less.  
Being the property of Donald B.  
Foster, et ux, as shown on plat plan  
filed in the Zoning Department.  
Hearing Date: Tuesday, March 11,  
1980 at 10:00 A.M.  
Public Hearing: Room 218, Court-  
house, Towson, Md. 21204.  
By Order of:  
WALTER A. REITER, JR.,  
County Board of Appeals of  
Baltimore County  
Feb. 21.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Md., land  
District 7 Date of Posting 2/24/80  
Posted for: Petition for Reclassification & Redistricting  
Petitioner: Donald B. Foster  
Location of property: 95 Monkton Rd., 225' E. of York Rd.  
Location of Signs: Location: SE 1/4 of York Rd. & Monkton Rd.;  
@ front of property (facing Monkton Rd.)  
Remarks: plc. district would have been put signs in middle of parking  
Posted by Sean Coleman Signature Date of return: 2/27/80  
3 signs

**CERTIFICATE OF PUBLICATION**  
TOWSON, MD., February 21, 1980  
THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., once in each  
of one time successive weeks before the 11th  
day of March, 1980, the first publication  
appearing on the 21st day of February  
1980.  
THE JEFFERSONIAN.  
Samuel S. Sullivan Manager.  
Cost of Advertisement, \$ 11.00

